

Article 2.—STANDARDS FOR LOCAL DISASTER AGENCIES

56-2-1. Definitions. (a) "Local disaster agency" means any county disaster agency established as required by K.S.A. 48-929(a), any city disaster agency required by the governor under K.S.A. 48-929(b) and any interjurisdictional disaster agency ordered by the governor under K.S.A. 48-930.

(b) "Division" means the division of emergency preparedness within the adjutant general's department as established in K.S.A. 48-905.

(c) "Coordinator" means the disaster agency head appointed as required by K.S.A. 48-929(c), regardless of official local title. (Authorized by K.S.A. 48-907; and implementing K.S.A. 48-929; effective Jan. 3, 1994.)

56-2-2. Standards for local disaster agencies. Each local jurisdiction shall establish and provide to the division a copy of the following items.

(a) An ordinance or resolution by the local governing body shall be established and provided to the division which:

(1) Establishes a disaster agency as required by K.S.A. 48-929 or 48-930;

(2) provides for an appointed coordinator to head the agency;

(3) outlines the general authority of the agency before, during and after a disaster emergency;

(4) outlines the basic functions of the agency which, at a minimum, shall include the following:

(A) Coordination of response and recovery activities during and following a disaster emergency;

(B) development and maintenance of a local hazard analysis;

(C) development of a local emergency planning program and maintenance of an all-hazard emergency operations plan;

(D) the implementation of a local technological hazards program which includes participation on the local emergency planning committee as provided for in K.S.A. 65-5703 and the development and coordination of a radiological protection system;

(E) development and maintenance of an active public education program, both through direct public presentations and contacts with the local news media;

(F) development and coordination of a local exercise program to test the capability of the ju-

risdiction to implement the emergency operations plan;

(G) development and coordination of a local emergency preparedness training program;

(H) development and coordination of local hazard warning and notification systems;

(I) coordination of all requests for assistance from other jurisdictions, and the state and federal governments during a disaster emergency;

(J) identification of mitigation of actions necessary to prevent hazards or to lessen their impact; and

(K) advice and assistance to the local governing body in preparation of emergency declarations under K.S.A. 48-932;

(5) sets forth the support to be provided to the agency, which, at a minimum shall include the following:

(A) Jurisdiction-provided office space and clerical support sufficient to perform the required emergency preparedness functions;

(B) jurisdiction-provided transportation or reimbursement for private transportation used for official duties;

(C) jurisdiction-provided portable radio, pager, cellular telephone or other communications arrangement for 24-hour a day notification of the disaster agency; and

(D) designation of one or more persons to act as an alternate disaster agency head when coordinator is not available; and

(6) requires all other agencies and employees of the jurisdiction to cooperate with the disaster agency in all matters pertaining to emergency preparedness.

(b) A position description for the coordinator shall be established and provided to the division which:

(1) Outlines required duties and responsibilities of the position;

(2) establishes the requirements for selection to and continued employment in the position, which, at a minimum, shall include the following qualifications. Each coordinator shall:

(A) possess a valid driver's license;

(B) possess a high school diploma or equivalent;

(C) be available to work a variety of hours and be physically able to respond to disaster emergencies;

(D) be available to travel to attend training courses and emergency preparedness conferences;

(E) have skills to organize and coordinate activities of other persons;

(F) have the ability to understand and work with state and federal regulations pertaining to emergency preparedness, hazardous materials and radiological protection;

(G) have the ability to work without direct supervision; and

(H) obtain, within 24 months of appointment, and maintain certification as an emergency manager from an association or institution identified on a list, published by the division, of recognized certifying entities.

(3) specifies the number of hours per week to be spent on emergency preparedness duties; and

(4) sets forth the salary range of the position.

(c) Official written notification within 10 working days of any changes to the resolution, ordinance or job description and of any change of disaster agency head shall be provided to the division.

(d) Quarterly activity reports, as stipulated by the division, shall be provided, addressing emergency preparedness activities performed by the disaster agency. The reports shall include, but not be limited to, the actions taken to perform the functions outlined in paragraph (a) (4) of this regulation.

(e) Annually, at a time specified by the division, statements of local emergency preparedness goals, anticipated work and requested state and federal assistance for the next federal fiscal year shall be provided to the division. (Authorized by K.S.A. 48-907; and implementing K.S.A. 48-929; effective Jan. 3, 1994.)

Article 3.—NUCLEAR EMERGENCY PREPAREDNESS FEES

56-3-1. Definitions. As used in article 2 of these regulations: (a) "Act" means the Kansas nuclear safety emergency preparedness act, as established by L. 1993, Chap. 113, Section 1.

(b) "Adjutant general" is the adjutant general of Kansas.

(c) "Fiscal year" means the state of Kansas fiscal year, which is July 1 to June 30.

(d) "Fund" means the nuclear safety emergency preparedness fee fund.

(e) "KDEP" means the Kansas division of emergency preparedness in the adjutant general's department.

(f) "Producer" means any person engaged in

the production of electricity through the utilization of nuclear energy at a nuclear facility and responsible for fee payment.

(g) "State and local government agencies" means state agencies which have duties under the state of Kansas emergency operations plan, and annexes and appendices, and county governments which are required to have emergency operations plans because they are in emergency planning zones of nuclear facilities. (Authorized by and implementing L. 1993, Chap. 113, Sec. 4; effective, T-56-1-19-94, Jan. 19, 1994; effective March 7, 1994.)

56-3-2. Nuclear safety emergency preparedness fee fund. (a) Each producer shall pay an annual fee to the adjutant general to cover the costs incurred by state and local government agencies to establish, maintain, and implement appropriate emergency preparedness plans and programs required to respond to an emergency at a nuclear facility. The fee shall include the costs of administering this act.

(b) Fee payments shall be made in accordance with the following requirements.

(1) The annual fee payment shall equal the total annual fee approved by the adjutant general pursuant to K.A.R. 56-3-5 as determined to apply to any specific nuclear facility.

(2) On or before June 1 of the fiscal year preceding the fiscal year for which the fee applies, the producer shall be notified by the adjutant general of the amount of the annual fee.

(3) Fee payment shall be made within 30 days of receipt of written notification from the adjutant general of the annual fee, or by July 1, whichever date is earlier.

(4) The fee payment shall be made by check, draft, money order, or electronic means payable to the adjutant general. (Authorized by and implementing L. 1993, Chap. 113, Sec. 3; effective, T-56-1-19-94, Jan. 19, 1994; effective March 7, 1994.)

56-3-3. Disbursements. Any state or local government agency that incurs expenses related to nuclear emergency preparedness may apply to the adjutant general for disbursements to pay for expenses subject to the following limitations.

(a) Each request for disbursement shall comply with the procedural requirements of K.A.R. 56-3-4.

(b) Expenses for which disbursement is sought shall be related to the responsibilities assigned to